

**RESOLUTION NO. 952**

**A RESOLUTION AMENDING RESOLUTION NO. 938  
REGARDING SEWER RATES  
FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON**

**BE IT RESOLVED** by the City Council of the City of Lynden, Whatcom County, Washington as follows:

**Section 1:** Section 1 of Resolution 938 is amended to reflect a 2% increase as follows:

<b>CONSUMER CATEGORY</b>	<b>MONTHLY BASE CHARGE</b>	<b>CHARGE PER UNIT</b>
<b>Single Family, Duplex, and/or a Multi-Family Dwelling Unit with a Separate Individual Meter</b>	\$ 47.91	N/A
<b>Multi-Family (Including Duplex) with a Connected Single Meter Serving All Units</b>		
First dwelling unit	\$ 47.91	N/A
Each additional dwelling unit	\$ 35.93	N/A
<b>Business/Commercial/Industrial - NPDES Not Required</b>		
Basic Charge	\$ 47.91	\$ 2.67
Volume Charge: per 100 cubic feet (ccf)		
<b>Industrial Users - NPDES* Permitted</b>		
Basic Charge	\$ 46.97	
Volume Charge: per 100 cubic feet (ccf)		\$ 1.59
BOD Charge: per pound (lb)		\$ .65
TSS Charge: per pound (lb)		\$ .62
Unused Capacity Reservation Charges**		
Darigold	\$ 3,859.00	
Americold (406 2 <sup>nd</sup> Street)	\$ 297.00	
Americold (204 1st Street)	\$ 121.00	
Flora	\$ 70.00	
<b>Outside City Limits Multiplier ***</b>	1.5	

\* National Pollution Discharge Elimination System (NPDES)

\*\* Based on 2015 usage and NPDES wastewater permit. May be modified by NPDES permit renewal or by contract.

\*\*\* Residential Outside City Limits Multiplier on Base Rate; Commercial Outside City Limits Multiplier on Base Rate and Unit Volume; and installation of flow meter(s) will be required.

**Section 2:** The following penalties shall be implemented for Industrial Permitted Users:

- A. A non-representative sample will be billed as if 100% of the Daily Maximum Demand was delivered.

- B. If an Industrial User exceeds the permit limit for Flow, BOD or TSS; it will result in a rate 3-times the established per unit rate, for each violation over the permit or contract limit.
- C. A pH reading outside the permit limit will result in a rate 3-times the established rate for flow for the period of violation.
- D. A concentration level in mg/l over the permit or contract level will result in a rate three (3) times the established per unit rate for the permit or contract charge.

**Section 3:** Following is rate classification clarifying information:

- A. Business/Commercial/Industrial (Non-Permit) covers all non-residential uses, including: Offices and Retail Stores, Churches, Recreation Centers, Service/Gas Stations, Fairgrounds, Hotels/Motels, Nursing Homes, Assisted Living Facilities (without full kitchens, including oven and cooktop), Food and Beverage Establishments, Laundromats, Car Washes, Schools, and Industries which the City has determined do not require a NPDES Permit.
- B. Multi-Family shall include apartments, duplexes, Independent Living Facilities, and multiple condominium units served by a single meter.

**Section 4: BE IT FURTHER RESOLVED** that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

**Section 5:**

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

**Section 6:** This Resolution shall be in full force and effect on **June 1, 2017**.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF 7 IN FAVOR, AND 0 IN OPPOSITION, AND SIGNED BY THE MAYOR THIS 22 DAY OF November, 2016.

  
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 MAYOR SCOTT KORTHUIS

ATTEST:

  
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 CITY CLERK PAMELA D BROWN

APPROVED AS TO FORM:

  
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 CITY ATTORNEY ROBERT CARMICHAEL